

APPEAL NO. 031758  
FILED AUGUST 13, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 6, 2003. With respect to the issues before her, the hearing officer determined that the respondent (claimant) sustained a compensable repetitive trauma injury with a date of \_\_\_\_\_, and that he had disability from June 6, 2002, through the date of the hearing. In its appeal, the appellant (carrier) argues that the hearing officer's injury and disability determinations are not supported by sufficient evidence and that the claimant's injury was an ordinary disease of life. In his response, the claimant urges affirmance.

DECISION

Affirmed

The hearing officer did not err in determining that the claimant sustained a compensable repetitive trauma injury with a date of \_\_\_\_\_, and that he had disability from June 6, 2002, through the date of the hearing. Those issues presented questions of fact for the hearing officer. Section 401.011(36) defines a "repetitive trauma injury" as "damage or harm to the physical structure of the body occurring as the result of repetitious, physically traumatic activities that occur over time and arise out of and in the course and scope of employment." The claimant had the burden to prove that he was injured during the course and scope of his employment. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). Conflicting evidence was presented at the hearing on the disputed issues. The hearing officer was persuaded that the claimant's job required him to perform repetitious and physically traumatic activities and that the medical evidence demonstrated the causal link between the work activity and the injury. She also was persuaded that the claimant sustained his burden of proving that he had disability for the period found. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Nothing in our review of the record reveals that the hearing officer's injury and disability determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge